



# Venice Neighborhood Council

PO Box 550, Venice, CA 90294 / [www.VeniceNC.org](http://www.VeniceNC.org)  
Email: [info@VeniceNC.org](mailto:info@VeniceNC.org) / Phone or Fax: 310.606.2015  
LAND USE AND PLANNING COMMITTEE AGENDA



*December 9, 2009*

*NOTE: All projects and or Issues on any officially posted LUPC agenda are automatically included in the Online Discussion web site [www.veniceneighborhoodcouncil.com](http://www.veniceneighborhoodcouncil.com) and are treated as Public Comment to that Project and/or Issue.*

*Directions: Oakwood Recreation Center is located at California and Seventh Streets. The entrance is from Seventh Street, the meeting room is to the left as one enters the Seventh Street Entrance.*

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1. 6:45 pm Call to Order – Roll Call
2. Approval of this agenda as presented or amended
3. Approved Minutes yet to be posted.
4. ANNOUNCEMENTS - specific events important to Venice Stakeholders.
5. PUBLIC COMMENT - 10 minutes on non-agendized items related to Land Use and Planning only.
6. CONSENT CALENDAR: No listing submitted
7. NEW BUSINESS: DELIBERATION OF FOLLOWING PROJECTS:

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**7A 7A 709 Fifth Street, APCW 2009-2142 SPE, LUPC Staff Challis**

**Macpherson.** Mark Baez, Owner/Developer, Ms. Alicia Bartley, Lawyer/Representative, Gaines & Stacey LLP, Encino, California. Owner/Developer requests an exception from the Venice Coastal Zone Specific Plan (10.G.3.a - Height) to allow this two-story, three unit apartment building to remain over the height limit for the zone. Copies of the permit application, plans, findings, color photographs and maps emailed to LUPC members and posted on VNC/LUPC web site.

At November 18, 2009 meeting LUPC moved to postpone motion (copied in Appendix I) until December 9, 2009 when applicant will produce "wet" stamped (3"X4" blue ink stamp with complete city department signoff) plans constituting final approval by LA City officials, copy of hardship finding by LADOT authorizing placing vehicle entry via curb cut in Fifth Avenue instead of from alley, copy of survey, inspector's statement after inspecting building this year.

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**7B** 1010 Amoroso Place, ZA 1999-0645. LUPC Staff Jed Pauker. Applicant requests renewal of CUP. This is a pre-school/day care center which has been in existence for 15 years. Adding usage on Saturday for "Mommy & Me" program for 10 children. Permit application packet emailed to LUPC members.

**7C** 523 Rose, DIR 2009-2711 SPP MEL LUPC staff unassigned. Applicant, Oscar Hermosillo, requesting conversion of existing 1,454 sf of SFD in to new 1,230 restaurant, retail & accessory office. Applicant requesting waive requirement to replace SFD. Permit application and documents emailed to LUPC members.

Applicant states that all the parking requirements and other building and safety/planning requirements have been met. Hearing has been scheduled regarding a Mello Act Issue.

**7D** Request for motorized screen and projector for Oakwood Community Center to VNC Community Projects. Any request must go through a VNC committee. Sponsoring Board Member and Project Manager Challis Macpherson. This request has already been cleared by VNC Budget Committee.



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- 8. **Public Comment** - 10 minutes on non-agendized items related to Land Use and Planning only.
- 9. **OLD BUSINESS:**
- 10. **ADMINISTRATIVE:**
- 11. **ADJOURNMENT**

*"In compliance with Government Code section 54957.5, non-exempt writings that are distributed to a majority or all of the **LUPC** members in advance of a meeting may be viewed at Venice Public Library, 501 Venice Blvd., at our website by clicking on the following link: [www.VeniceNC.org/LUPC](http://www.VeniceNC.org/LUPC), or at the scheduled meeting. In addition, if you would like a copy of any record related to an item on the agenda, please **contact the LUPC Chair at [Chair-LUPC@venicenc.org](mailto:Chair-LUPC@venicenc.org)**."*

## APPENDIX I

**7A 709 Fifth Street, APCW 2009-2142 SPE**, Mark Baez, Owner/Developer, Ms. Alicia Bartley, Lawyer/Representative, Gaines & Stacey LLP, Encino, California. Owner/Developer requests an exception from the Venice Coastal Zone Specific Plan (10.G.3.a - Height) to allow this two-story, three unit apartment building to remain over the height limit for the zone. Copies of the permit application, color photographs and maps emailed to LUPC members and posted on VNC/LUPC web site.

The Land Use & Planning Committee of the Venice Neighborhood Council (VNC) moves as follows (on November 18, 2009):

WHEREAS: The Venice Coastal Zone Specific Plan (VCZSP) is easily available to all at either the web site for the City of Los Angeles Planning Department (<http://cityplanning.lacity.org/complan/specplan/pdf/VenCoastal.pdf>) or on Venice Neighborhood Council web site (<http://www.venicenc.org/>);

WHEREAS: The structure at 709 South Fifth Avenue, Venice, California, 90291, was constructed, maintained and is in clear violation of the VCZSP as follows;

1. In accordance with submitted plans, and site visit November 15, 2009, the 32' flat roof (as measured from center line of Fifth Avenue), number of dwelling units and Fifth Avenue curb cuts are in clear violation of the VCZSP which states:

Page 19, Section G. 3, a, **HEIGHT**, Venice Coastal Development Projects with a flat roof shall not exceed a maximum height of 25 feet. Venice Coastal Development Projects with a varied roofline shall not exceed a maximum height of 30 feet, provided that any portion of the roof that exceeds 25 feet is set back from the required front yard at least one foot in depth for every foot in height above 25 feet.



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Page 18, Section G. 2 **DENSITY**, a (1) R2 Zone. A maximum of two dwelling units per lot shall be permitted on lots less than 5,000 square feet in area, one additional dwelling unit shall be permitted for each additional 2,000 square feet of lot area, provided that the dwelling unit is a Replacement Affordable Unit.

Page 10, Section G. 3. a, **ACCESS**, Driveways and vehicular access to Venice Coastal Development Projects shall be provided from alleyways, unless the Department of Transportation determines that it is not Feasible.

WHEREAS: VENICE LAND USE POLICIES, as certified by the California Coastal Commission June 14, 2001 states:

1. Land Use Plan Policies and Implementation Strategies; Policy II. A. 9.

Protection of Public Parking, d. "Curb Cuts. In order to protect on-street parking opportunities, curb cuts shall not be permitted where vehicular access can be provided from an alley.

WHEREAS: The Board of Officers of the Venice Neighborhood Council are duly elected officials of the City of Los Angeles and sworn to support and maintain the laws of the City of Los Angeles and the State of California including but not limited to the Los Angeles Municipal Code which includes the Venice Coastal Zone Specific Plan as Ordinance 175,693 effective January 19, 2004 which replaced Ordinance 172,897 enacted in 1999;

THEREBY RECOMMEND that Case APCW 2009-2142 SPE be denied the requested variance, and that the structure at 709 South Fifth Avenue, Venice, California, 90291 be made compliant with the VCZSP, within (...set time limit here....) to wit:

- 1 Seven feet be taken off the top, or the structure lowered to 25 feet;
- 2 If the structure is converted to a varied roof line, 30 feet in height, that there be legal set backs, "... that any portion of the roof that exceeds 25 feet is set back from the required front yard at least one foot in depth for every foot in height above 25 feet."
- 3 Present curb cut be removed, and vehicle entry be from the alley in accordance with VCZSP Section G. 3. a, **ACCESS**, and the Venice Land Use Plan, Policy II, A. 9.
- 4 Number of dwelling units be reduced to two, as per VCZSP as noted above.

Motion to postpone until December 9, 2009 when applicant will produce "wet" stamped (3"X4" blue ink stamp with complete city department signoff) plans constituting final approval by LA City officials, copy of hardship finding by LADOT authorizing placing vehicle entry via curb cut in Fifth Avenue instead of from alley, copy of survey, inspector's statement after inspecting building this year.

Motion to postpone made by: Matthew Geller

Seconded by: Kelly Li

Roll call vote 5 FOR, 2 AGAINST, motion to postpone passed.